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005532.P020 Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:	
Craig M. Janik et al.	Examiner: Lele, Tarunay S.
Application No.: 10/052,057	Art Unit: 2684
Filed: 10/19/2001	
For: AUTOMATIC STORAGE AND PLAYBACK DEVICE AND A METHOD FOR USING THE SAME	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO OVERCOME CITED PUBLICATION (37 C.F.R. §1.131)

Sir:

My name is Craig M. Janik and I am one of the inventors of the invention described in the above referenced patent application. I founded Simple Devices, Inc. of San Mateo, California, the assignee of the above referenced application, in 2000 and continue to be employed there today.

The declaration made herein is to establish a conception of the invention in the current application in the United States at a date prior to April 24, 2000, and diligently and constructively reducing the invention to practice from prior to April 24, 2000 to October 20, 2000, at which time the provisional application, serial no. 60/242,049, to which the above reference patent application claims priority, was filed. The date April

PAGE 19/36 * RCVD AT 6/21/2004 6:36:51 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:408 720 1658 * DURATION (mm-ss):08-14

24, 2000 is the filing date of the parent application of the cited U.S. Patent to Kolls (U.S. 6,389,337; hereinafter, "Kolls").

I hereby declare that my invention was conceived before April 24, 2000 and was constructively reduced to practice when the provisional application was filed October 20, 2000. Below stated are activities of myself and Simple Devices, Inc. regarding the date on which I conceived and constructively reduced to practice my invention.

I conceived of the invention prior to April 24, 2000. Exhibit 1 attached herewith is a copy of the draft of part of a presentation created at Simple Devices evidencing the conception of one embodiment of the architecture of the invention. The draft was made prior to April 24, 2000.

I wrote a proposal referencing aspects of the invention before April 24, 2000. Exhibit 2 attached herewith is a copy of excerpts from the draft of the proposal touching on the invention.

Between April 24, 2000 and October 20, 2000, I worked diligently on the subject matter to constructively reduce my invention to practice, which occurred with the filing of the provisional application on October 20, 2000. I created a development directive between April 24, 2000 and October 20, 2000, which references aspects of the invention. Exhibit 3 attached herewith is a copy of the development directive.

I described my invention to my patent writer, Lex Bayer, between April 24, 2000 and October 20, 2000. Based on my description, Mr. Bayer prepared the current patent application.

Exhibit 4 attached herewith includes copies of figures showing embodiments of a car stereo made by my patent writer and sent to me between April 24, 2000 and October 20, 2000.

I filed the provisional application, serial no. 60/242,049, on October 20, 2000, and therefore, I worked diligently to constructively reduce my invention to practice between April 24, 2000 and October 20, 2000.

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Based on the above description and as evidenced by the attached exhibits, the conception of the subject matter described in the present application occurred prior to the April 24, 2000 filing date of the parent application of Kolls and I worked diligently on the subject matter until its constructive reduction to practice that occurred with the filing of the provisional application on October 20, 2000.

As the below-signed inventor, I, Craig M. Janik, hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made knowing that willful false statements and the like are punishable by fine or imprisonment, or both under §1001 of Title 18 of the United States Code, and such willful or false statements may jeopardize the validity of the application or any patent issuing therefrom.

Respectfully submitted,

Dated: 6/18, 2004

Signature

Full legal name: Craig M. Janik
Citizenship: United States
Address: 25566 Fernhill Drive,
Los Altos Hills, CA 94024

FIRST CLASS CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on _____.

Esther L. Campbell Date

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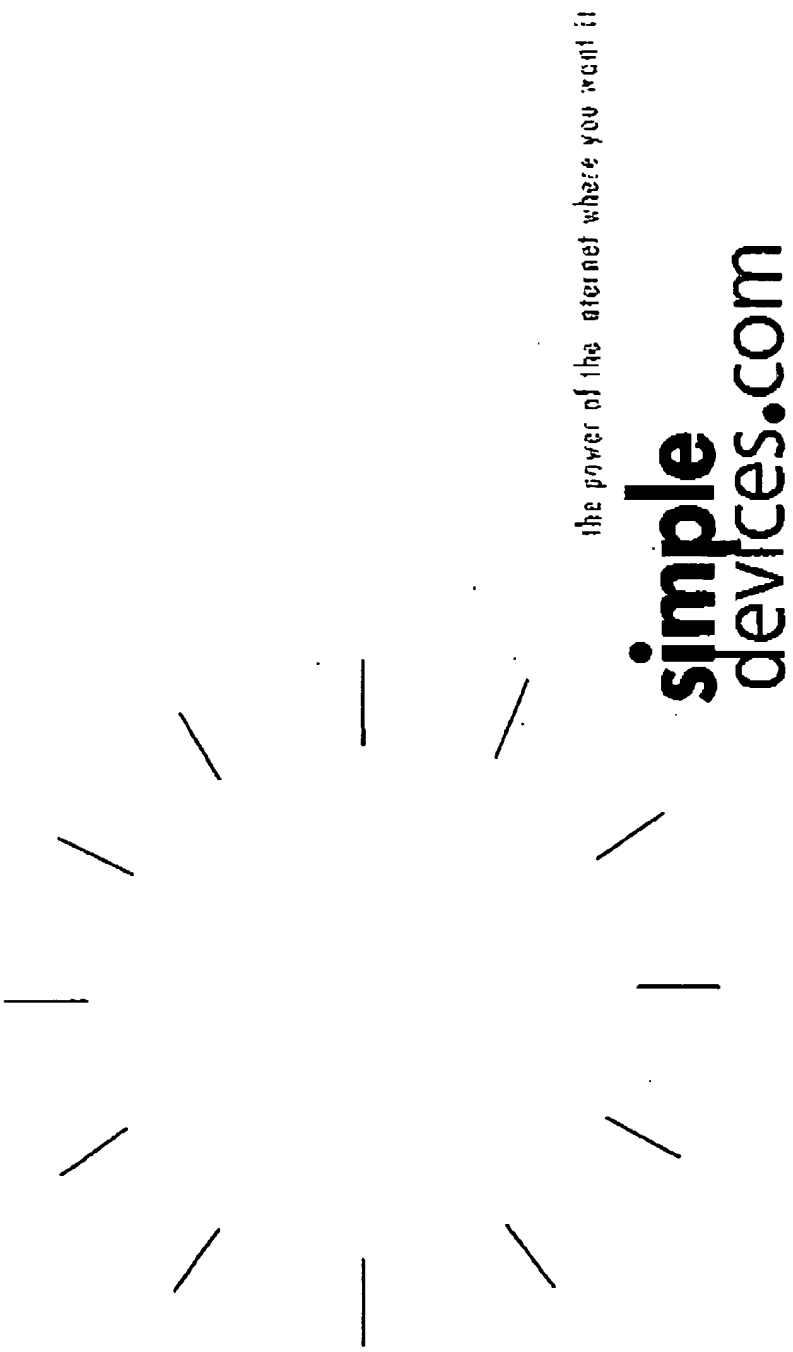
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System Architecture
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internet
content is "playerized" and formatted for player output with segment specific channels or topics
online control interface for products
HomeRF (USB)
Leverage PC to cache and serve content locally
Dialup or broadband line
Confidential
Speck Product Design, 2000
the power of the internet where you want it

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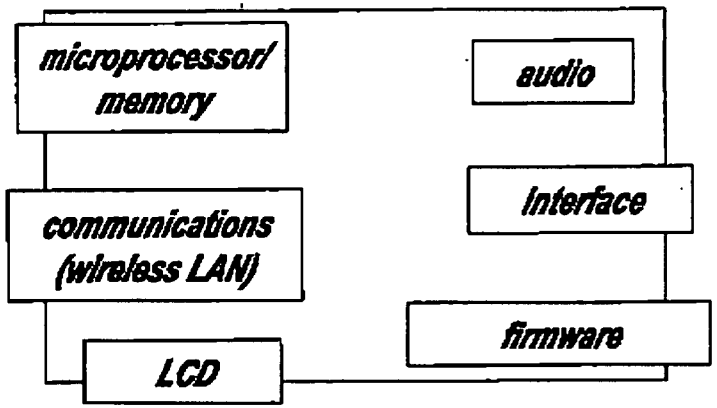
Internet Media Player Product Architecture



Both fixed and mobile applications

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Potential Consumer Applications

- audio node (local and internet audio)
- web pads/PDAs (home utility, portable player)
- picture box (decorative, community)
- clock (schedule-based info)
- alarm clock (info relevant when waking)
- recipe player (kitchen)
- automobile (commute info)
- newspaper/magazine (internet media)

DRAFT

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Products and Technology

SimpleDevices Product Architecture

As shown in Figure 3, the SimpleDevices architecture is a method for distributing compelling content into home now, by using the installed base of PCs as powerful home server systems. This is achieved through the addition of a wireless hub that serves a series of low cost, thin client simple devices that mainly play back content and provide some interactivity. The components of the SimpleDevices architecture are:

1. PC software application
   - Schedules timing of internet connections
   - Manages downloading and caching of content at the PC
   - Schedules and manages distribution of data to simple devices
2. Portal
   - Allows users to select content preferences and product features
   - Maintains links to internet content for downloading
   - Aggregates end-user content tags
3. Simple devices
   - *iClock*™ – initial product offering
   - Other devices – Webpads, PDAs, home stereo, light switchplates, automobile

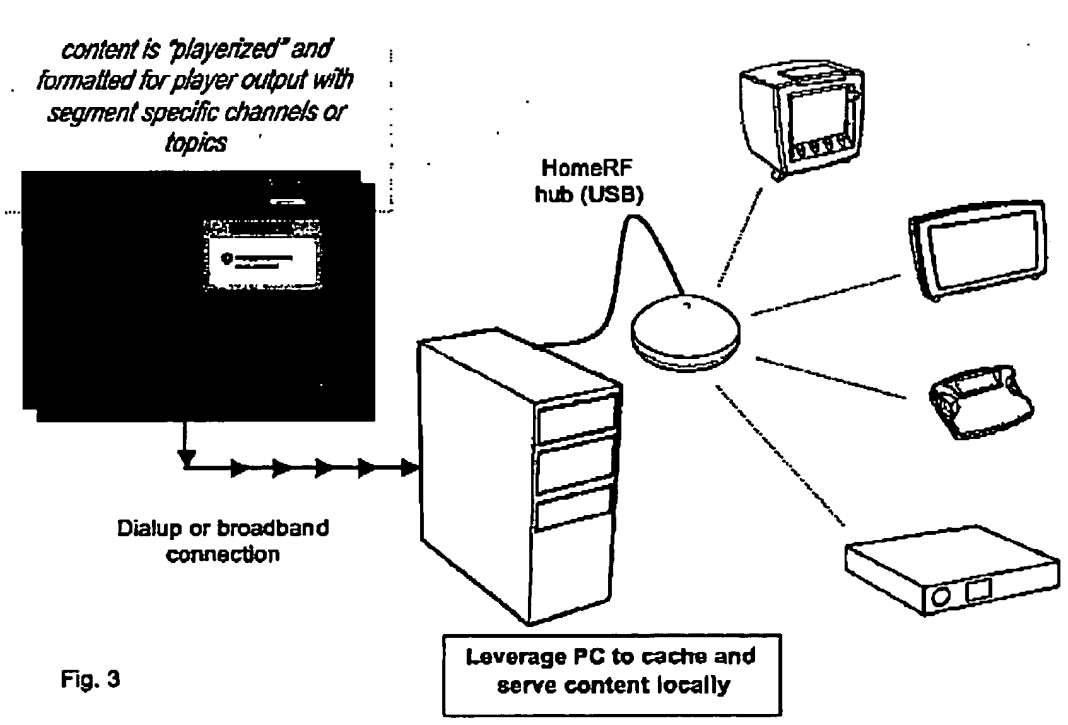


Fig. 3

simple devices inc.

SimpleDevices Development Directive

Purpose
The purpose of this document is to set down SimpleDevices' basic business model and resulting product strategy. In a startup situation, where development and planning is occurring iteratively, it is important for everyone to understand the big picture, as this will inform and provide direction during situations where implementation details may be missing.

Business Model
At the highest level, SimpleDevices' goal is to create an information channel, or platform, for delivering relevant and useful content to the end user, through a variety of thin client (simple) devices in the home. More specifically, the company will operate a portal that is tightly integrated with end user's PCs, which will access the portal and cache content for delivery to specific devices at the right time.

Therefore, SimpleDevices' main and most important products are the integrated portal and software that exists on the PC. In the end, our value proposition is tied to this combination of software and content.

However, the company is currently expending significant development effort and resources on a variety of simple device designs. The reason that attention is being paid to the devices is threefold.

First, we have to build some thin client devices for our platform, because none exist at this time. SimpleDevices is proposing a platform architecture that is contrary to the general direction of the information appliance market right now. The convention is the development and marketing of interactive, fat client browsing devices. The vast majority of OEMs are building lower cost PCs essentially, that have large LCDs and memory on board. SimpleDevices, on the other hand, is proposing a system where the PC caches the content and delivers it to devices that either play it back to the user in real time (streaming) or that store the content.

Second, in the process of developing the platform, we think we have invented some neat and useful devices that show off the capability and power of the system. We believe we can prime the market for our platform by seeding it with useful devices. So the development of the products are both to show off the platform, and to give one or more consumer electronics OEMs a head start in taking the products to market. The more fully developed the reference designs, the faster the OEM can get to market. And speed right now is everything.

Third, in order to understand the complete and realistic capability of the platform, we need to understand the minimal capability of the devices, since they are the terminus for the content. For example, as we have seen, it doesn't matter if we can cache full motion video content on the PC if there is no reasonably inexpensive hardware system that can play it back. So we have to develop some devices to learn and fine-tune the platform. Additionally, since user interface is so important to the system, we have to build the system with some devices in mind so we can create a compelling user experience.

It is important to note that SimpleDevices does not currently plan to brand and distribute any of the actual simple devices.

The hardware business is a mature industry with large players. The creation of brand, and sales and distribution channels is a difficult and expensive proposition. The firm's goal is to work with existing product companies who will co-brand, or independently brand the hardware products. SimpleDevices will supply the software on the PC, and operate the portal. In fact, we hope that once the platform exists, hardware OEMs will create their own devices that work with our platform.

Reference Design Product Plan

Internet-enabled Alarm Clock (iClock) - portal for selecting content and setting up wake-up routine; content stored on PC; content sent to iClock as per wake-up routine; tagging; user-programmable softkeys.

PC-to-Stereo Converter (AudioStream) - Stream MP3s stored on the PC; stream Internet content through PC to stereo; portal for selecting content; tagging.

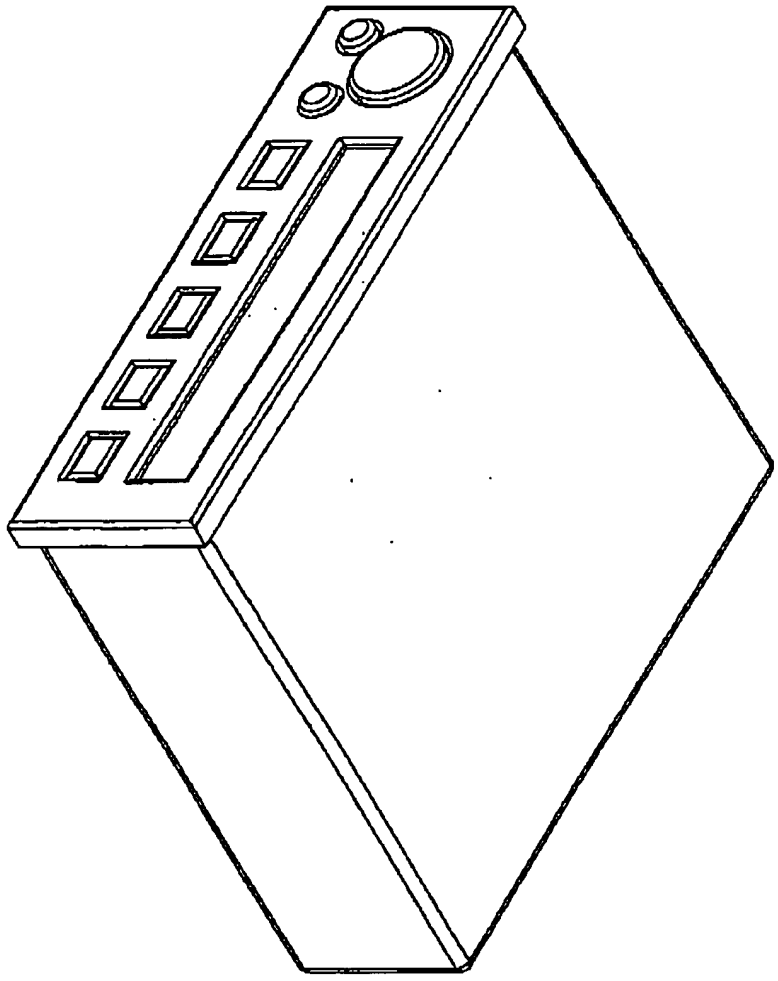
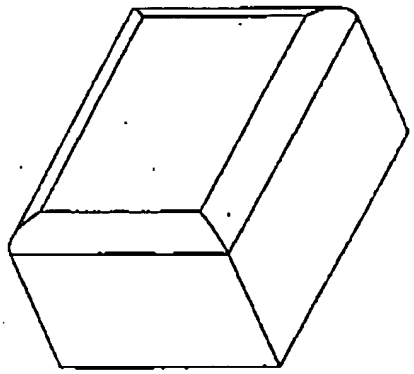
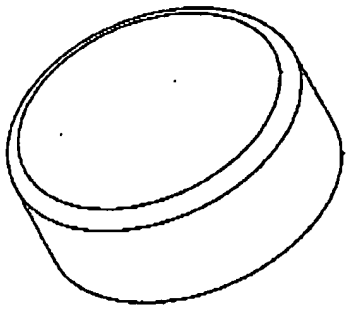
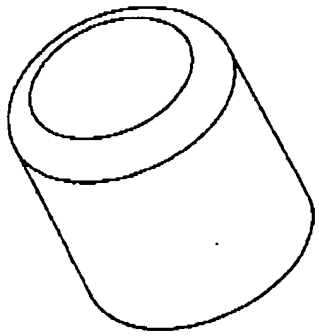
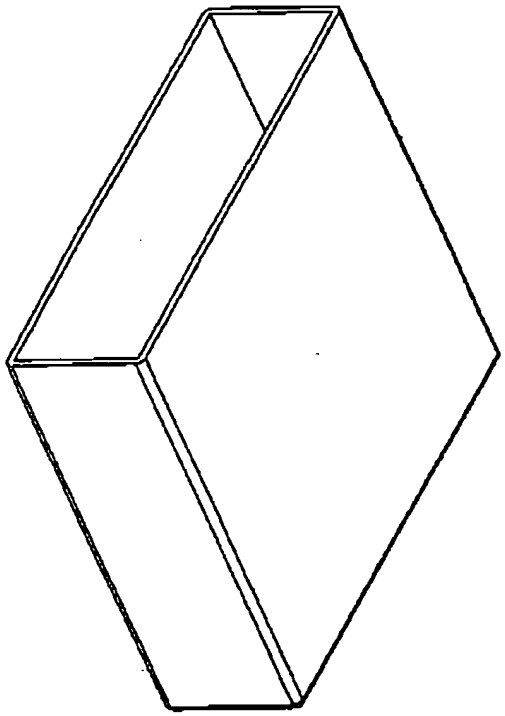
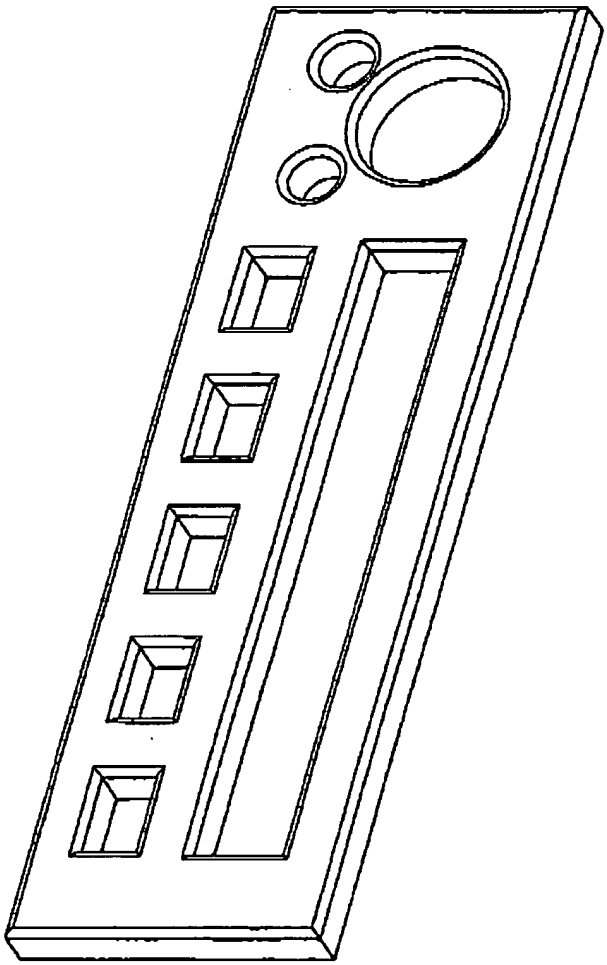
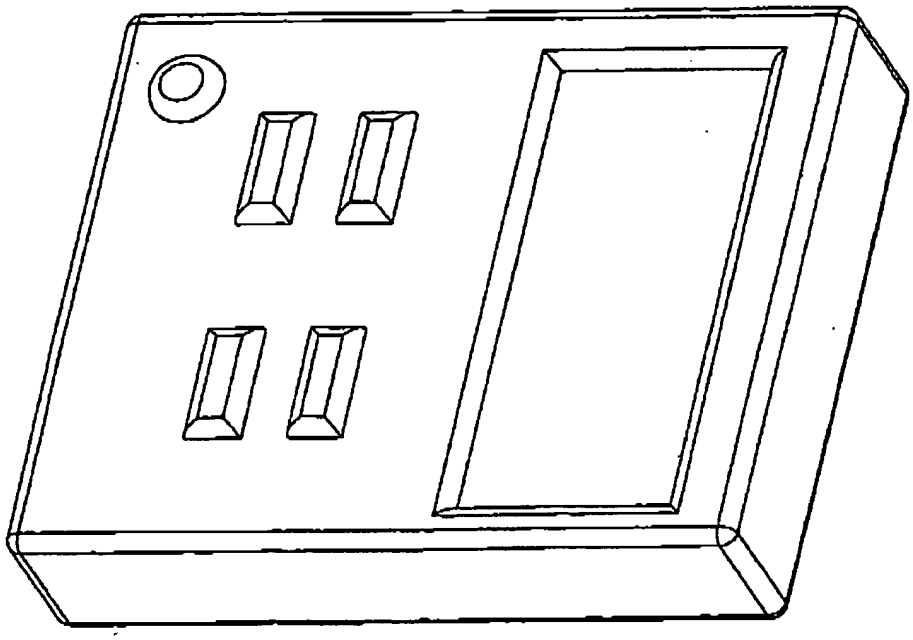
Connected PDA (LiveWireless mode) – PDA/Webpad application; Browse Internet through PC connection using high-speed wireless LAN; control other devices; sync to memory.

Connected Automobile – Synchronize content from PC to automobile using wireless LAN; portal for selecting content and setting sync routine; tagging.

Development Focus
I think of the development of SimpleDevices platform as three basic phases that obviously overlap. The phases are Channel Architecture, Portal and Interface, and Content.

Channel Architecture – 1st 6 months

Portal and Interface – 2nd 6 months

Content and Experience - thereafter

The first phase is the Channel Architecture phase, where we are learning about the capability of the existing technology components, ranging form content types, to device technology, and laying the groundwork. During this phase, we have to be work simultaneously on the devices, the PC software, and the portal. We are fairly far up the learning curve on the device technology capability. However, we must quickly get to a functional software prototype that we can demonstrate and use to further develop the system.